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QUALCOMM, INC  
5775 MOREHOUSE DR.  
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APR 13 2006

OFFICE OF PETITIONS

In re Application of :  
CASACCIA, et al. : DECISION ON PETITION  
Application No. 09/932,121 :  
Filed: August 16, 2001 :  
Atty. Dkt. No.: 010345 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed March 14, 2006.

The petition under 37 CFR 1.181 is hereby GRANTED.

This application was held abandoned February 11, 2004, for failure to timely file a proper response to the final Office action mailed November 10, 2003. The final Office action set a three month shortened statutory period for reply. Notice of Abandonment was mailed October 5, 2005. It is noted for the record that the instant petition, filed March 14, 2006, fails to comply with 37 CFR 1.181(f) in that petitioners failed to submit the instant petition within two months of the mailing date of the action complained of (i.e., Notice of Abandonment).

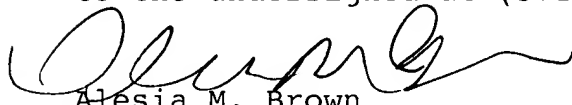
Petitioners argues that a response to the final Office action was timely submitted February 10, 2004 in accordance with the Certificate of Mailing procedures outlined at 37 CFR 1.8. Petitioners have included a copy of the response to the final Office action along with a return postcard dated February 17, 2004 by the UPSTO evidencing received of the response.

A review of the application file does not indicate receipt of the response purportedly submitted February 10, 2004, however, the response will be considered timely as it complied with the requirements of 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previous timely mailing, (2) a copy of the previously submitted correspondence with certificate of facsimile thereon has been supplied, and (3) statements attesting to the previous timely mailing have been submitted.

In view of the above, the Notice of Abandonment is hereby VACATED and the Notice of Abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown'.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions